



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 9, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-75 People v. Bland, S097340. (B140775.) Unpublished opinion. Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case includes the issues of (1) whether the transferred intent doctrine permits conviction for the attempted premeditated murder of an unintended victim when the intended victim was killed, and (2) whether, in the absence of a request for such an instruction, the trial court erred in failing to define “proximate cause” in a case that included sentence enhancing allegations under Penal Code section 12022.53 for proximately causing great bodily injury or death in specified circumstances.

#01-76 Chambers v. Kay, S098007. (A091362; 88 Cal.App.4th 903, mod. 89 Cal.App.4th 406c.) Petition for review after the Court of Appeal affirmed in part and reversed in part the summary judgment in a civil action. This case includes the issue of whether rule 2-200 of the Rules of Professional Conduct of the State Bar, prohibiting the splitting of fees for legal services without the client’s written consent, applies to an agreement between attorneys who actually work on the case, or whether the rule applies only when a fee is paid to a referring attorney.

(over)

#01-77 Jefferson v. Department of Youth Authority, S097104. (E026915; 47 Cal.App.4th 1357.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. This case concerns whether the form compromise and release agreement that plaintiff executed in her worker's compensation claim for injuries arising from sexual harassment operates to bar plaintiff's civil action for discrimination under the California Fair Employment and Housing Act.

#01-78 People v. Castro, S097172. (E026619; 87 Cal.App.4th 1446, mod. 88 Cal.App.4th 875a.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in People v. Cooper, S092882 (#01-11), which concerns whether the 15 percent limitation on pretrial custody credits contained in Penal Code section 2933.1, subdivision (c), applies when sentence is imposed under Penal Code section 190 as that provision read before its amendment as of June 3, 1998. (See Prop. 222, as approved by voters, Primary Elec. (June 2, 1998).)

#01-79 People v. Mounsaveng, S096988. (F033224; 87 Cal.App.4th 1253.) Petition for review after the Court of Appeal affirmed a conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Reay, S093980 (#01-23), and People v. Anderson, S094710 (#01-32), which concern whether, and if so to what extent, duress is a defense to homicide related offenses.

DISPOSITIONS

#99-123 Steiny & Co. v. Citicorp Real Estate, Inc., S080176, was dismissed and remanded to the Court of Appeal.

The following cases were transferred to the Court of Appeal for reconsideration in light of Saelzler v. Advanced Group 400, 25 Cal.4th 763:

#00-69 Lopez v. Vovos, S087380.

#01-16 Williams v. Airport Century Inn, Ltd., S093578.

#01-41 Tanaka v. Wal-Mart Stores, Inc., S095801.